

SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

SETH M. BOURGET and
JOSEPH M. LAVORATO

Defendants

) Criminal No. *20cr10029*

)

) Violations:

)

) Counts One - Two: Deprivation of Rights

) Under Color of Law

) (18 U.S.C. § 242)

)

) Count Three: Obstruction of an

) Official Proceeding; Aiding and Abetting

) (18 U.S.C. §§ 1512(c)(2) and 2)

)

) Count Four: Destruction, Alteration and

) Falsification of Records in a Federal

) Investigation

) (18 U.S.C. § 1519)

INDICTMENT

COUNT ONE

Deprivation of Rights Under Color of Law (18 U.S.C. § 242)

The Grand Jury charges:

On or about June 18, 2019, in the District of Massachusetts, the defendant,

SETH M. BOURGET,

while acting under color of any law, statute, ordinance, regulation and custom, as a Senior Corrections Officer with the United States Bureau of Prisons at the Federal Medical Center, Devens ("FMC Devens"), did willfully subject "KT," an inmate at FMC Devens, to the deprivation of the right, privilege and immunity, secured and protected by the Constitution and

laws of the United States, to be free from cruel and unusual punishment; specifically, the defendant, without legal justification, dropped his knee on inmate KT's head while KT was handcuffed and restrained on the floor in the N-3 mental health housing unit at FMC Devens, resulting in bodily injury to inmate KT.

All in violation of Title 18, United State Code, Section 242.

COUNT TWO
Deprivation of Rights Under Color of Law
(18 U.S.C. § 242)

The Grand Jury further charges:

On or about June 18, 2019, in the District of Massachusetts, the defendant,

SETH M. BOURGET,

while acting under color of any law, statute, ordinance, regulation and custom, as a Senior Corrections Officer with the United States Bureau of Prisons at FMC Devens, did willfully subject "KT," an inmate at FMC Devens, to the deprivation of the right, privilege and immunity, secured and protected by the Constitution and laws of the United States, to be free from cruel and unusual punishment; specifically, the defendant, without legal justification, struck inmate KT with a protective shield with excessive force while KT was handcuffed inside a locked holding cell in the N-1 mental health housing unit at FMC Devens, resulting in bodily injury to inmate KT.

All in violation of Title 18, United State Code, Section 242.

COUNT THREE

Obstruction of an Official Proceeding; Aiding and Abetting
(18 U.S.C. §§ 1512(c)(2) and 2)

The Grand Jury further charges:

From on or about June 18, 2019 through on or about June 19, 2019, in the District of Massachusetts, the defendant,

JOSEPH M. LAVORATO,

did corruptly obstruct, influence and impede, and attempt to obstruct, influence and impede an official proceeding, specifically, the After-Action Review conducted by the United States Bureau of Prisons at FMC Devens of the June 18, 2019 use-of-force on inmate "KT" on the N-1 housing unit by, among other things, providing false and misleading information about the use-of-force on inmate KT, *e.g.*, by: (a) failing to timely and accurately report the nature and extent of inmate KT's injuries to FMC Devens supervisory staff; and (b) concealing the existence of one of the video recordings of the use-of-force in the defendant's Form 583 Use-of-Force Report.

All in violation of Title 18, United State Code, Section 1512(c)(2).

COUNT FOUR

Destruction, Alteration and Falsification of Records in a Federal Investigation
(18 U.S.C. § 1519)

The Grand Jury further charges:

From on or about June 18, 2019 through on or about June 19, 2019, in the District of Massachusetts, the defendant,

JOSEPH M. LAVORATO,

did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record, document and tangible object, namely the Form 583 Use-of-Force Report regarding the use-of-force on inmate "KT," with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Bureau of Prisons, an agency of the United States, and in relation to and contemplation of such matter, by:

- (a) falsely claiming in the Form 583 Use-of-Force Report that: "The camera for the immediate use of force failed due to a dead battery. As the incident progressed a different camera was utilized to capture the calculated portion of the use of force." In fact, as defendant well knew, the initial camera for the immediate use of force was operational and filmed the use-of-force but the recording of the use-of-force was thereafter deleted; and
- (b) failing to include a video recording of the use-of-force on inmate KT on the N-1 housing unit at FMC Devens which defendant deleted and caused to be deleted.

All in violation of Title 18, United State Code, Section 1519.

A TRUE BILL



FOREPERSON



NEIL J. GALLAGHER, JR.
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: February 5, 2020
Returned into the District Court by the Grand Jurors and filed.

Kelliann Belmont
DEPUTY CLERK
2/5/2020 C 11:43am

